

Application No. 09/652,058
Amendment "B" dated May 2005
Reply to Office Action mailed March 10, 2005

REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the interview with Applicant's attorneys on April 13, 2005. The amendments made by this paper are consistent with the proposals made during the interview.

In the last office action, dated March 10, 2005, claims 1-25 were considered and rejected under 35 U.S.C. 112, second paragraph, as being indefinite and under 35 U.S.C. 103(a) as being unpatentable over Katto (U.S. Patent No. 6,072,832) in view of Har-Chen et al. (U.S. Patent No. 6,429,902).¹

By this paper, claims 1, 3, 11 and 15 have been amended, claim 2 has been cancelled, and claims 26-27 have been added, such that claims 1 and 3-27 now remain pending, of which claims 1, 11 and 15 are the only independent claims at issue.²

As discussed during the interview, the claims are generally directed to embodiments in which separate video clocks and separate audio clocks process audio and video packets. In claim 1 a method is recited, for example, that includes receiving a digital video signal and a digital audio signal. The corresponding digital packets are then extracted and assigned timestamps prior to the implementation of a variable time process. A video clock and a separate audio clock then control timing of the presentation of the digital packets, respectively, and wherein the clocks speed up or slow down in response to a comparison of a local time (based on the timestamps) with the program clock references within the digital packets. As further specified, this comparison of times occurs after the variable time process, and such that the assignment of the timestamps at the relatively constant time period to the digital packets after being received and prior to implementation of a variable time process enables a determination as to whether the video clock or the audio clock should be sped up or slowed down notwithstanding any affects of the variable time process.

¹Initially, although the Office Action only explicitly mentions claims 1-24, it is clear that this was a mere oversight. Accordingly, Applicants are responding as if claim 25 was also rejected for the same reasons claims 21-24 were rejected. Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

²Support for the claim amendments and new claims is drawn from the disclosure in the specification found on pages 5 and 13-14, as well as other passages shown during the interview.

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Claim 11 is directed to a corresponding computer program product for implementing the method of claim 1 and claim 15 is directed to a similar method claim that is written with functional language.

As further discussed during the interview, the cited art fails to anticipate or make obvious the claimed invention. In particular, while Katto appears to show a system utilizing separate audio(103) and video PLL (108) decoding clock generators, and while Har-Chen discloses systems for synchronizing audio and video in which a time difference is detected and used to adjust a local clock, these references fail, alone and in combination, to teach or suggest the methods and systems of the present invention, as described above.

For example, the cited references fail to disclose or suggest embodiments in which digital packets that have been extracted from corresponding audio and video signals are assigned timestamps prior to the implementation of a variable time process on the packets and wherein separate video and audio clocks that control timing of the presentation of the digital packets, speed up or slow down in response to a comparison of a local time and clock references within the digital packets that occurs after the variable time process, and such that the assignment of the timestamps at the relatively constant time period to the digital packets after being received and prior to implementation of a variable time process enables a determination as to whether the video clock or the audio clock should be sped up or slowed down notwithstanding any affects of the variable time process, as claimed.

With specific regard to the new dependent claims, the cited art also clearly fails to disclose or suggest such a method wherein the comparison of the program clock reference and the local time is performed a plurality of times per second (claim 26) and wherein the digital video signal and the digital audio signal correspond to different programming.

Accordingly, for at least these reasons, as well as the others that were discussed during the interview, Applicants respectfully submit that the cited art fails to anticipate or make obvious Applicants' invention, as claimed, for example, in the independent claims. In view of this, Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. However, in this regard, it should be appreciated that Applicants do not necessarily acquiesce to any assertions in the Office Action that are not specifically addressed above, and

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hercby reserve the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice taken by the Examiner.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application and the pending claims (1, 3-27) that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of May005.

Respectfully submitted,



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